

WEDNESDAY, MAY 31, 2000

EIGHTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Godsey.

Representative Godsey led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Sharp; illness.

Representative Turner (Shelby); family death.

MESSAGE FROM THE SENATE

May 31, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 872 and 885; adopted for concurrence.

RUSSELL HUMPHREY, Acting Chief Clerk.

Senate Joint Resolution No. 872 -- Memorials, Public Service - Senator Tom Leatherwood, by *Person, *Burchett, *Burks, *Carter, *Blackburn, *Clabough, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsa, *Ford J, *Fowler, *Graves, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Miller J, *Person, *Ramsey, *Rochelle, *Wilder, *Williams, *Womack, *Atchley, *McNally, *Springer, J, *Kyle, *Harper, *Cohen.

Senate Joint Resolution No. 885 -- Memorials, Recognition - First Baptist Church of Greenbrier, by *Graves.

CHAIR TO WALLEY

Mr. Speaker Naifeh relinquished the Chair to Rep. Walley.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Joint Resolution No. 801 -- Naming and Designating - Youth Suicide Awareness and Prevention Week, October 1-7, 2000, by *Hargrove.

House Calendar and Rules Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 1, 2000:

House Joint Resolution No. 802 -- Memorials, Public Service - Cathy Perkins, Dillard's - Knoxville News-Sentinel Student Citizen award recipient, by *Buttry.

House Joint Resolution No. 803 -- Memorials, Public Service - Patrick Hazari, Dillard's - Knoxville News-Sentinel Student Citizen award recipient, by *Buttry.

House Joint Resolution No. 804 -- Memorials, Public Service - Vikki Alexander, Dillard's - Knoxville News-Sentinel Student Citizen Award recipient, by *Buttry.

House Joint Resolution No. 805 -- Memorials, Personal Achievement - Jennifer Rymer, 2000 Dillard's - Knoxville News-Sentinel Student Citizen Award, by *Buttry.

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House Joint Resolution No. 806 -- Memorials, Personal Occasion - Clyde and Odessa Mullican, 70th wedding anniversary. by *Curtiss.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for June 1, 2000:

Senate Joint Resolution No. 872 -- Memorials, Public Service - Senator Tom Leatherwood. by *Person, *Burchett, *Burks, *Carter, *Blackburn, *Clabough, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Miller J, *Person, *Ramsey, *Rochelle, *Wilder, *Williams, *Womack, *Atchley, *McNally, *Springer, J, *Kyle, *Harper, *Cohen.

Senate Joint Resolution No. 885 -- Memorials, Recognition - First Baptist Church of Greenbrier. by *Graves.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3363 -- Oakdale - Subject to local approval, in order to remove staggering of terms, provides that two aldermen elected in 2000 elected to six-year terms and that beginning in 2006, mayor and all aldermen shall be elected to four-year terms. Amends Chapter 51 of the Private Acts of 1995. by *Windle.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 3334** -- Regional Authorities -- Previously referred to the House Finance, Ways and Means Committee

House Bill No. 3350 -- Utilities, Utility Districts -- Previously referred to the House Finance, Ways and Means Committee

***House Bill No. 3359** -- Education -- Previously referred to the House Finance, Ways and Means Committee

***House Bill No. 3360** -- Comptroller, State -- Previously referred to the House Finance, Ways and Means Committee

House Bill No. 3361 -- Dickson -- Local Bill Held on House Desk

House Bill No. 3362 -- Linden -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 31, 2000**, reported the following:

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 3123, 3307, 2667, 2998, 2880, 2792, 2793, 3360, House Joint Resolution(s) No(s). 620, 786, 532, Senate Joint Resolution(s) No(s). 667, also House Bill(s) No(s). 2326, 1920, 2324, 357, 2190, 2191, 2485, 2048, 3266, 2357, 2205, 3269, 3259, 3034, 3364, 2790 and 2791 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for June 1, 2000**: House Bill(s) No(s). 3364, 2790, 2791, 2792, 2793, 3360, 3269, 3259, 3034, House Joint Resolution(s) No(s). 532, House Bill(s) No(s). 2326, 1920, 2324, 3123, 357, 2667, 2190, 2485, 2205, 2880, 964 and 2677.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for June 1, 2000**: House Joint Resolution(s) No(s). 620, 786, House Bill(s) No(s). 3307, Senate Joint Resolution(s) No(s). 667 and 536.

CONSENT CALENDAR

House Resolution No. 258 -- Memorials, Death - Onix the Drug Dog. by *Maddox, *Phelan.

House Resolution No. 260 -- Memorials, Recognition - Dr. Ben L. Hooks and Donald V. Jackson. by *Armstrong.

House Resolution No. 261 -- Memorials, Public Service - Evangelist Nettie Rogers. by *Brooks.

House Joint Resolution No. 792 -- Memorials, Interns - Jackie D. "Pepper" Petersen. by *Cooper B.

House Joint Resolution No. 793 -- Memorials, Academic Achievement - Clinton High School Mock Trial team, eighth place in national mock trial competition. by *Caldwell.

House Joint Resolution No. 794 -- Memorials, Academic Achievement - Janelle Turner, Horatio Alger Scholar. by *Hargett.

House Joint Resolution No. 795 -- Memorials, Retirement - Robert E. "Bobby" Nicholson. by *DeBerry L.

House Joint Resolution No. 796 -- Memorials, Recognition - Hillwood High School Class of 1970, 30th class reunion. by *Odom.

House Joint Resolution No. 797 -- Memorials, Interns - Brooke Dianah Rodgers. by *Armstrong, *Pruitt, *Eckles.

House Joint Resolution No. 798 -- Memorials, Professional Achievement - Coach Pat Summitt, Naismith College Basketball Women's Coach of the Century and Basketball Hall of Fame inductee. by *Naifeh, *Head, *Fitzhugh, *DeBerry L.

House Joint Resolution No. 799 -- Memorials, Sports - Tamika Catchings, Naismith College Basketball Women's Player of the Year. by *Naifeh, *Head, *Fitzhugh, *DeBerry L.

Rep. Garrett moved that all members voting aye on House Joint Resolution(s) No(s). 798 and 799 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***Senate Bill No. 2738** -- Financial Disclosure - Deletes maximum aggregate contribution limit of 50 percent of total contributions for offices elected by statewide elections and \$75,000 in aggregate for any other state or local public office which candidates may accept from multicandidate political campaign committees for each election. Amends TCA Title 2, Chapter 10. by *Rochelle. (HB3067 by *Kisber)

Further consideration of Senate Bill No. 2738 previously considered on May 15, 2000, at which time the Senate Bill was substituted for the House Bill and was on the motion to adopt Amendment(s) No(s). 1, May 17, 2000 and May 24, 2000 at which time the bill was reset for today's Calendar.

Rep. Kisber moved that Senate Bill No. 2738 be reset for the Regular Calendar on June 1, 2000, which motion prevailed.

***House Bill No. 2111** -- Limitation of Actions - Adds nonsuit to reversal and arrest as to situations when plaintiff may commence new action under certain circumstances. Amends TCA Section 28-1-105. by *Buck. (SB2889 by *Person)

Further consideration of House Bill No. 2111 previously considered on May 18, 2000, May 22, 2000 and May 24, 2000, at which time it was reset for today's Calendar.

On motion, House Bill No. 2111 was made to conform with **Senate Bill No. 2889**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 2889 be passed on third and final consideration.

Rep. Buck moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2889 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 28-1-105(a), is further amended by deleting the period (.) at the end of the first sentence and substituting instead the following language:

"including cases brought under Tennessee Code Annotated, Title 29, Chapter 20."

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **Senate Bill No. 2889**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2407** -- Criminal Offenses - Requires person arrested for aggravated assault of certain victims be tested for HIV. Amends TCA Title 39, Chapter 13. by *Beavers, *Todd. (SB2598 by *Blackburn, *Dixon, *Person)

Further consideration of House Bill No. 2407 previously considered on May 30, 2000, at which time it was reset for today's Calendar.

On motion, House Bill No. 2407 was made to conform with **Senate Bill No. 2598**; the Senate Bill was substituted for the House Bill.

Rep. Beavers moved that Senate Bill No. 2598 be passed on third and final consideration.

Rep. Buck requested that Judiciary Committee Amendment No. 1 be placed at the heel of the Amendments.

Rep. Beavers moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2598 by deleting subsection (a) in the amendatory language of SECTION 1 as amended by Senate Amendment No. 1 and substituting instead the following:

(a) When a person is initially arrested for a violation of § 39-13-102 where the victim of the assault is one of the persons described in §39-13-102(d) and such victim was exposed to the blood or other body fluid of the arrestee, the arrestee shall undergo HIV testing immediately, upon request of the victim. A licensed medical laboratory shall perform such test at the expense of the arrestee. The arrestee shall obtain a confirmatory test when necessary. The arrestee shall be referred to appropriate counseling.

Rep. Westmoreland moved the previous question on Amendment No. 2, which motion prevailed.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Newton moved the previous question, which motion prevailed by the following vote:

Ayes.....	82
Noes	9
Present and not voting	1

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Representatives voting aye were: Arriola, Baird, Bittle, Black, Bone, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Walker, Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Armstrong, Bowers, Brown, Chumney, Cooper, Miller, Phillips, Towns, White -- 9.

Representatives present and not voting were: Kernell -- 1.

Rep. Beavers moved that **Senate Bill No. 2598**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	92
Noes	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Bowers, Cooper, Miller -- 3.

A motion to reconsider was tabled.

***Senate Bill No. 2155** -- Solid Waste Disposal - Eliminates department of conservation and environment and local government supervision and approval for solid waste processing facilities; eliminates provision permitting interested persons' requests for public hearings on solid waste processing facilities Amends TCA Title 68, Chapter 211. by *Burchett. (HB2595 by *Kerr, *Dunn, *Montgomery, *Garrett, *Tidwell, *Davidson, *Walker (Rhea))

Further consideration of Senate Bill No. 2155 previously considered on May 30, 2000, at which time the House withdrew Amendment(s) No(s). 1 and reset for today's Calendar.

Rep. Kerr moved that Senate Bill No. 2155 be passed on third and final consideration.

Rep. Bowers moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2155 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of this act shall not apply in any county having a population of not less than eight hundred twenty-five thousand (825,000) nor more than eight hundred thirty thousand (830,000) according to the 1990 federal census or any subsequent federal census.

On motion, Amendment No. 2 was adopted.

Rep. Ridgeway moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 2155 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. The department of environment and conservation shall not issue a permit by rule for sewage sludge composting for a site that is greater than one acre in size.

Section 2. This act shall take effect upon becoming law, the public welfare requiring it.

Rep. Kerr moved that Amendment No. 3 be tabled, which motion failed by the following vote:

Ayes.....	25
Noes	54
Present and not voting	2

Representatives voting aye were: Baird, Beavers, Black, Boyer, Brown, Buck, Bunch, Caldwell, Cole (Carter), Davis (Washington), Dunn, Fraley, Goins, Gunnels, Hagood, Hargett, Hassell, Kent, McDaniel, Pinion, Rhinehart, Sargent, Todd, Whitson, Wood -- 25.

Representatives voting no were: Armstrong, Bittle, Bone, Bowers, Briley, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Ferguson, Fitzhugh, Fowlkes, Garrett, Givens, Hargrove, Harwell, Head, Hood, Jackson, Jones S., Jones U., Kernell, Kisber, Langster, Lewis, Maddox, McAfee, McDonald, McKee, McMillan, Odom, Phelan, Phillips, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Scroggs, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Walker, West, Westmoreland, White, Williams, Windle, Winningham -- 54.

Representatives present and not voting were: Newton, Patton -- 2.

Rep. Jackson moved the previous question on Amendment No. 3, which motion prevailed.

On motion, Amendment No. 3 was adopted by the following vote:

Ayes..... 53
Noes 35

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Bowers, Briley, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, DeBerry J., DeBerry L., Ferguson, Fitzhugh, Fowlkes, Garrett, Givens, Hargrove, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Langster, Lewis, Maddox, McKee, McMillan, Miller, Odom, Phelan, Phillips, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, West, Westmoreland, White, Williams, Windle, Winningham -- 53.

Representatives voting no were: Baird, Beavers, Black, Boyer, Buck, Bunch, Buttry, Cooper, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ford, Fraley, Goins, Gunnels, Harwell, Hassell, Head, Kerr, McAfee, McCord, McDaniel, McDonald, Montgomery, Newton, Patton, Pinion, Rhinehart, Robinson, Sargent, Turner (Hamilton), Walker, Whitson, Wood -- 35.

Rep. Buck moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2155 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 4 was adopted.

Rep. Kerr moved that Senate Bill No. 2155 be reset for the Regular Calendar on June 1, 2000, which motion prevailed.

House Bill No. 3066 -- DUI/DWI Offenses - Creates Class A misdemeanor offense for refusing to take BAC test when driving on license suspended or revoked due to conviction for vehicular assault, vehicular homicide or DUI. Amends TCA Title 55, Chapter 10, Part 4. by *Jackson, *Briley, *Newton. (*SB2665 by *McNally, *Crowe, *Graves, *Davis L)

Further consideration of House Bill No. 3066 previously considered on May 30, 2000, at which time it was reset for today's Calendar.

Rep. Jackson moved that House Bill No. 3066 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3066 by deleting from the final sentence of subsection (3) of the amendatory language of SECTION 2 of the printed bill the language "jail or workhouse sentence of forty-five (45) days" and substituting instead the language "jail or workhouse sentence of five (5) days".

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Jackson moved that **House Bill No. 3066**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh – 92.

A motion to reconsider was tabled.

House Bill No. 2441 -- Sunset Laws - State volunteer advisory board, board of probation and parole, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 41, Chapter 10. by *Kernell, *Garrett, *Brooks. (*SB2192 by *Springer, P)

Further consideration of House Bill No. 2441 previously considered on May 1, 2000 and May 30, 2000, at which time it was reset for today's Calendar.

Rep. Kernell moved that House Bill No. 2441 be passed on third and final consideration.

On motion, Rep. Garrett withdrew Government Operations Committee Amendment No. 1.

Rep. Garrett moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2441 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 41-10-101, is amended by adding the following new subdivisions to be numbered accordingly:

- () "Board" means the board of probation and parole;
- () "Chair" means the chair of the board of probation and parole;
- () "Commissioner" means the commissioner of correction;
- () "CRDC" means the community resource development committee; and
- () "TCRB" means the Tennessee community resource board.

SECTION 2. Tennessee Code Annotated, Section 41-10-101(3), is amended by deleting such subdivision in its entirety and by substituting instead the following:

- (3) "Offender" means a person who is under the authority of the department, pursuant to a court order, a pending court disposition in a state of Tennessee criminal case, or under the authority of the board, pursuant to release under probation or parole supervision, or some other release program from any correctional institution.

SECTION 3. Tennessee Code Annotated, Section 41-10-101(5), is amended by deleting such subdivision in its entirety and by substituting instead the following:

By deleting in its entirety the amendatory language of Section 3 and by substituting instead the following:

- (5) "Volunteer" means any person who, after fulfilling appropriate policy requirements, is assigned to a volunteer job and provides a service without pay from the department or board except for compensation for those expenses incurred directly as the result of volunteer services as defined in this part. A volunteer may present any grievance related to such volunteer services to the Tennessee community resource board, which shall make recommendations to the commissioner or the board, as appropriate, and may appeal any decision of the Tennessee community resource board to the commissioner or to the board, as appropriate.

SECTION 4. Tennessee Code Annotated, Section 41-10-105, is amended by deleting such section in its entirety and by substituting instead the following:

(a) There is hereby established a Tennessee community resource board (TCRB) composed of seventeen (17) members. The speaker of the house of representatives shall appoint a member of the house to serve on the TCRB and the speaker of the senate shall appoint a member of the senate to serve on the TCRB. Members of the general assembly who serve on the TCRB shall receive no additional compensation for such services but shall receive compensation for expenses pursuant to the provisions of § 3-1-106. The remaining members shall be appointed jointly by the commissioner and the chair. Five (5) members shall be appointed from each grand division of the state. Members shall serve terms of three (3) years. Members of the TCRB shall, upon expiration of their terms of office, be eligible for reappointment to successive terms. In making appointments to the board, the commissioner and the chair shall strive to ensure that at least one (1) person serving on the TCRB is sixty (60) years of age or older and that at least one (1) person serving on the TCRB is a member of a racial minority. Members shall have served in a volunteer capacity in corrections, in probation or parole, or in an academic environment in the field of criminal justice or other such related field. Members shall serve terms of three (3) years. Vacancies shall be filled by the TCRB, provided the person filling the vacancy shall receive the written approval of the commissioner and chair. The TCRB shall serve both the department and the board. The purpose of the TCRB shall be to:

(1) Coordinate with and assist the department and the board in developing and utilizing volunteer resources in assisting parolees, probationers, and inmates in reintegrating into society as productive, law-abiding, citizens;

(2) Coordinate with and assist the department and the board in developing policies and procedures governing the utilization of volunteers;

(3) Coordinate a network of local parole, probation, and institutional community resource boards on matters of statewide impact;

(4) Advise the department and the board on matters of public interest and concern;

(5) Assist the department and the board in accomplishing their missions;

(6) Review and recommend programs having statewide impact involving volunteers; and

(7) Oversee such projects when appropriate.

(b) A community resource development committee (CRDC) is hereby established. The committee shall meet at least three (3) times each year and shall be composed of six (6) members. Two (2) members shall be from the department and shall be appointed by the commissioner, two (2) members shall be from the board and shall be appointed by the chair, and two (2) members shall be from the TCRB and shall be appointed by the chair of the TCRB. Members shall serve terms of three (3) years. Members of the committee shall, upon expiration of their terms of office, be eligible for reappointment to successive terms. Officers of the committee shall be selected by the members of the committee and shall serve terms of one (1) year. Officers may be reappointed to their positions for one (1) additional term. The purpose of this committee shall be to:

(1) Develop a coordinated program plan for utilizing volunteer resources by the department and the board. The plan shall include, but is not limited to, a coordinated plan for helping parolees, probationers, and inmates reintegrate back into society as productive, law-abiding citizens;

(2) Develop policies, procedures, and processes for utilization of volunteer resources by the department and the board;

(3) Establish specific programs and goals for utilizing volunteer resources; and

(4) Establish and monitor performance measures to determine whether goals for utilizing volunteers are met.

(c) The commissioner and the chair shall meet with the community resource development committee at least once each year to review the goals, accomplishments and concerns of the committee.

(d) The plans, goals, programs, policies, procedures, processes, and performance measures developed by the CRDC shall be submitted to the department, the board, and TCRB for approval, prior to implementation.

(e) The CRDC shall submit a semi-annual report to the commissioner and the chair detailing the CRDC's progress in each of the four (4) areas above. The commissioner and chair shall forward such report to the select oversight committee on corrections. The report shall include specifics on goals and performance and data on the cost of using volunteers, and the cost benefits, if any, to the department, the board and the state.

(f) Local parole, probation, and prison institution community resource boards may be established. The purpose of these local boards is to cooperate with local probation and parole offices and correctional institutions to:

(1) Develop a program plan for utilizing volunteers, which is compatible with overall statewide plan developed by the CRDC;

(2) Establish specific goals for utilizing volunteers;

(3) Establish performance measures for determining that goals are met; and

(4) Collect data on the cost of using volunteers and the cost benefits to the local office or institution.

(g) Local volunteer resource boards shall report semi-annually to TCRB on their program plans, goals, and performance measures.

SECTION 5. Tennessee Code Annotated, Section 41-10-102, is amended by adding the following as new subsection (b) and by relettering the existing subsection (b) accordingly:

(b) The board is authorized to recruit, train and appoint volunteers to programs of the board without regard to state employment regulations as administered by the department of personnel. Such volunteers shall be required to comply with all applicable board policies. The board is further authorized to provide such incidental reimbursement as is consistent with the provisions of this part and with appropriate state regulations.

SECTION 6. Tennessee Code Annotated, Title 41, Chapter 10, Part 3, is amended by deleting such part in its entirety.

SECTION 7. Tennessee Code Annotated, Section 4-29-223(a), is amended by adding the following new items thereto:

() Tennessee volunteer resource board, created by § 41-10-105;

() Community resource development committee, created by § 41-10-105;

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Kernell moved that **House Bill No. 2441**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 2123** -- Courts, General Sessions - Directs administrative office of the courts, in consultation with the court clerks' association, sheriffs' association and chiefs of police, to devise and promulgate uniform general sessions court warrant. Amends TCA Title 16, Chapter 15, Part 50. by *Buck. (SB2885 by *Person)

Rep. Buck moved that House Bill No. 2123 be returned to the Senate, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2320** -- DUI/DWI Offenses - Directs that prior conviction appearing on official driver record maintained by department of safety be considered prima facie evidence that such conviction occurred for purposes of prosecuting second or subsequent DUI offenses. Amends TCA Title 55, Chapter 10, Part 4. by *Rochelle, *Graves, *Davis L., *Haun, *McNally, *Williams, *Kurita. (HB3062 by *Jackson, *Briley, *Scroggs, *Newton, *Bittle, *Walker (Rhea))

Further consideration of Senate Bill No. 2320 previously considered on May 30, 2000, at which time it was reset for today's Message Calendar.

Rep. Jackson moved that the House refuse to recede in its action in adopting Amendment(s) No(s). 1, to **Senate Bill No. 2320**, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2784 -- Sexual Offenses - Makes federally required changes to Sexual Offender Registration and Monitoring Act concerning sexually violent predators and offenders who work or are students in this state and reside in another state. Amends TCA Title 40, Chapter 39, by *Turner (Hamilton), *Sargent, *Stulce. (*SB2661 by *Crowe)

Rep. Turner (Hamilton) moved that House Bill No. 2784 be reset for the Message Calendar on June 1, 2000, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

House Bill No. 2854 -- Housing - Redefines "project" under special corporations statute to remove requirement that project's bonds could only be sold to certain federal government sponsored mortgage entities for certain housing projects in Shelby County. Amends TCA Section 48-101-301. by *Bowers. (*SB2809 by *Cohen, *Dixon, *Crutchfield, *Burchett, *Harper)

Rep. Bowers moved that House Bill No. 2854 be reset for the Message Calendar on June 1, 2000, which motion prevailed.

HOUSE ACTION ON SENATE MESSAGE

Senate Bill No. 3086 -- Home Improvement Contractors - Increases maximum licensing fee collected from home improvement contractor from \$100 to \$125. Amends TCA 62-37-106. by *Clabough. (*HB3019 by *Ford S, *Head)

Rep. Ford moved that Senate Bill No. 3086 be reset for the Message Calendar on June 1, 2000, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 3118 -- Probate Law - Makes various changes to law of probate, wills, guardians, conservators, trusts, trustees, tax procedure and gift, estate and inheritance taxes. Amends TCA Title 30; Title 31; Title 32; Title 34; Title 35; Title 37 and Title 67. by *Fowlkes. (*SB3034 by *Fowler)

Senate Amendment No. 1

AMEND House Bill No. 3118 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 35-50-124(a), is amended by deleting the following language in its entirety:

Due to the potential conflict of interest that exists between a trustee who is a beneficiary and other beneficiaries of the trust, unless the terms of a trust refer specifically to this subsection and provide expressly to the contrary, any power conferred upon a trustee (other than the settlor of a revocable or amendable trust or a decedent's or settlor's spouse who is the trustee of a testamentary or an inter vivos trust for which a marital deduction has been allowed):

and by substituting instead the following:

Due to the potential conflict of interest that exists between a trustee who is a beneficiary and other beneficiaries of the trust, any power conferred upon a trustee, other than the settlor of a revocable or amendable trust:

SECTION 2. Tennessee Code Annotated, Section 35-50-124(a)(4), is amended by inserting the following language after the language "If there is no trustee qualified to exercise such a power" and before the language ", any party in interest,":

and the document creating the trust does not include authority for the appointment of an independent trustee

SECTION 3. Tennessee Code Annotated, Section 35-50-124, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) This section applies to any trust unless application of the statute would cause the loss of a marital or charitable deduction or loss of generation skipping transfer tax exemption or the terms of the trust either:

(1) Refer specifically to this section and provide expressly to the contrary;

(2) Clearly indicate an intent by the settlor of the trust or testator of a will to grant the trustee who is also a beneficiary the power in question to accomplish a particular beneficial tax result; or

(3) Contain language similarly limiting the powers of a trustee who is also a beneficiary.

SECTION 4. Tennessee Code Annotated, Section 35-50-124, is amended by deleting subsection (d) in its entirety.

SECTION 5. Tennessee Code Annotated, Section 35-50-125(a), is amended by deleting the language "which is not contrary to the clear intent of the trust between" and by substituting instead the language "which is not contrary to the clear intent of the trust creator between".

SECTION 6. Tennessee Code Annotated, Section 35-50-125, is amended as follows:

(1) In subsection (a) by inserting the word "creator" between the word "trust" and the word "between".

(2) In subsection (c) by deleting the subsection in its entirety and by substituting instead the following language

(c) This section shall not apply to an agreement that accelerates or postpones the termination of the trust, in whole or in part. In addition, if any party to the agreement is deemed by Internal Revenue Code §2041 or §2514 to have a general power of appointment, then this section shall not apply to an agreement that:

(1) results in the trust not qualifying for the marital or charitable deduction if the trust would qualify but for the agreement, or

(2) results in the trust being subject to the generation skipping transfer tax if the trust would not be subject to the generation skipping transfer tax but for the agreement, or

(3) results in an overall increase in estate, inheritance, gift or generation skipping transfer taxes.

(3) In subsection (d) by deleting the word "instrument" at the end of the subsection and by substituting instead the word "creator".

(4) In subsection (e) by inserting the word "creator" after the word "trust" and before the period at the end of the subsection.

SECTION 7. Tennessee Code Annotated, Section 35-50-125(e), is amended by inserting the word "creator" after the word "trust" and before the punctuation ".".

SECTION 8. Tennessee Code Annotated, Title 35, Chapter 50, Part 1, is amended by adding the following language as a new, appropriately designated section:

Section 35-50-1___. (a) The trustee may present a certification of trust to any person to evidence the existence and validity of the trust in the manner set forth in this section.

(b) The certification of trust shall be in the form of a sworn declaration, signed by the trustee or trustees having signatory authority as identified in subdivision (5) of this subsection and shall contain the following:

- (1) An affirmation of the current existence of the trust and the date on which the trust came into existence;
 - (2) The identify of the trustor or trustors, the currently acting trustee or trustees, and the named successor trustee or trustees of the trust or a statement that no successor is named;
 - (3) The administrative and/or managerial powers of the trustee;
 - (4) The revocability or irrevocability of the trust and the identify of any person holding any power to revoke the trust;
 - (5) When there are multiple trustees or multiple successor trustees, the signature authority of the trustees or successor trustees indicating whether all or less than all of the currently acting trustees are required to sign in order to exercise various powers of the trustee;
 - (6) Where there are successor trustees designated, a statement detailing the conditions for their succession or a statement that a third party may rely on the authority of one or more successors without proof of their succession;
 - (7) The trust identification number, whether a social security number or an employer identification number;
 - (8) The manner in which trust assets should properly be titled; and
 - (9) A statement that to the best of the trustee's knowledge, the trust has not been revoked, modified, or amended in any manner which would cause the representations contained in the certification of trust to be incorrect.
- (c) The certification of trust shall not be required to contain the dispositive provisions of the trust which set forth the distribution of the trust estate.
- (d) The trustee offering the certification of trust may provide copies of all or any part of the trust document and amendments, if any. Nothing in this section is intended to require or imply an obligation to provide the dispositive provisions of the trust or a copy of the entire trust document and amendments.

(e) A person who acts in reliance on a certification of trust without actual knowledge that the representations contained therein are incorrect is not liable to any person for so acting. A person who does not have actual knowledge that the facts contained in the certification of trust are incorrect may assume without inquiry the existence of the facts contained in the certification of trust. Actual knowledge shall not be inferred solely from the fact that a copy of all or part of the trust instrument is held by the person relying on the trust certification. Nothing contained herein shall limit the rights of the beneficiaries of the trust against the trustee. Any person relying on the certification of trust shall be indemnified from the assets of the trust to the extent of the share of the trust attributable to the beneficiary or beneficiaries bringing any action against the person for any costs, damage, attorney fees or other expenses incurred in defending any action against the person arising from the transaction to which a certification of trust related.

(f) A person's failure to request a certification of trust does not affect the protections provided that person by this section. No inference that the person has not acted in good faith or that the person was negligent may be drawn from the failure of that person to request a certification of trust. Nothing in this section is intended to create an implication that a person is liable for acting in reliance on a certification of trust under circumstances where the requirements of this section are not satisfied.

(g) Nothing in this section shall be construed to require a third party, when presented with a trust certificate, to enter into a contract with a trustee relating to trust assets or obligations, or to preclude a third party from demanding as a pre-condition to any contract that the trustee provide additional information in order to clarify any ambiguities or inconsistencies in the trust certificate.

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3118**, which motion prevailed by the following vote:

Ayes.....	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE MESSAGE

***House Bill No. 3143** -- Equalization Board - Deletes prohibition for state legislative or executive officials or state employees to serve on county board of equalization; limits eligibility of state employees to those whose employment does not involve property tax assessments. Amends TCA Section 67-1-401. by *Tindell, *Jones U (Shelby). (SB3205 by *Dixon)

Senate Amendment No. 3

AMEND House Bill No. 3143 By deleting the period at the end of Section 1 and adding the following new language:

except that in counties having a population of more than eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census, state employees shall not be appointed to the county board of equalization.

Rep. Tindell moved that the House nonconcur in Senate Amendment(s) No(s). 3 to House Bill No. 3143, which motion prevailed.

Senate Amendment No. 1

AMEND House Bill No. 3143 by adding the following new section immediately after Section 1 and by renumbering existing sections of the bill accordingly:

SECTION _____. Tennessee Code Annotated, Section 67-1-401, is further amended by adding the following sentence at the end of subsection (c):

No state employee serving on the county board of equalization shall be compensated by the state for time served on the county board except that an otherwise eligible employee may use accumulated annual leave to serve on the county board with approval of the employee's supervisor.

Rep. Tindell moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3143**, which motion prevailed by the following vote:

Ayes..... 97
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

REQUEST TO DELAY MOTION

Rep. Brooks moved to delay her motion on House Bill No. 2517 and for the same to be properly placed on notice in the House Finance, Ways and Means Committee, which motion prevailed.

HOUSE BILLS ON SECOND CONSIDERATION

On motion of Rep. Hargrove, House Bill(s) No(s). 3334, 3350, 3359, 3360, 3361, 3362 and 3364 passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 3364** -- Public Funds and Financing -- Previously referred to the House Finance, Ways and Means Committee

(This was a continuation of Rep. Hargrove's earlier motion at which time House Bills 3334, 3350, 3359, 3360, 3361 and 3362 were passed on second consideration. At this time House Bill 3364 was additionally passed on second consideration.)

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2492: Rep(s). Ferguson as prime sponsor(s).

House Bill No. 3035: Rep(s). Caldwell as prime sponsor(s).

House Bill No. 3359: Rep(s). Rinks as first prime sponsor(s).

House Bill No. 3364: Rep(s). Head as first prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Boyer and McDaniel was/were removed as sponsor(s) of **House Bill No. 3364**.

ENROLLED BILLS

May 31, 2000

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 258, 260 and 261; and find the same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 31, 2000

The Speaker signed the following: House Resolution(s) No(s). 258, 260 and 261.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 31, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2441, 3066, also, House Joint Resolution(s) No(s) 792, 793, 794, 795, 796, 797, 798 and 799.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 31, 2000

MR. SPEAKER: I am directed to return to the House, House Bill No. 2594.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 4, withdrew Amendment No. 4, then repassed the bill on third and final consideration.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 31, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1192; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 31, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1512.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 31, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3027; substituted for Senate Bill(s) on the same subject(s), amended and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 31, 2000

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 795; concurred in by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

ENROLLED BILLS

May 31, 2000

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 3118.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 31, 2000

The Speaker signed the following: House Bill(s) No(s). 3118.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 31, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3118; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 31, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2516, 2779, 2783, 3006, 3333, 3335, 3337, 3338, 3341, 3342,3343, 3344, 3345, 3346, 3347 and 3351, with his approval.

MICHELLE LONG, Counsel to the Governor.

MESSAGE FROM THE SENATE

May 31, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 190 and 2958; passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

***Senate Bill No. 190** -- Welfare - Permits use of state money as matching funds for individual development accounts (IDA); authorizes state to expend up to \$125,000 as matching funds and \$20,000 for contracting with state-wide non-profit organization to facilitate further use of IDA projects. Amends TCA Title 71, Chapter 3, Part 10. by *Dixon, *Harper, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Haun, *Haynes, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, J, *Springer, P, *Wilder, *Williams, *Womack. (HB319 by *Pruitt, *DeBerry J, *Eckles, *Arriola, *Armstrong, *Jones, S., *Ferguson, *Windle, *Langster, *Caldwell, *Odom, *Turner (Hamilton), *Patton, *McDaniel, *DeBerry L, *Bowers, *Brooks, *Cooper B)

***Senate Bill No. 2958** -- Sewage - Specifies conditions under which single-home on-site aerobic sewage treatment plant may be utilized. Amends TCA Title 68, Chapter 221 and Title 69, Chapter 3. by *Haynes. (HB2998 by *Arriola)

MESSAGE FROM THE SENATE

May 31, 2000

MR. SPEAKER: I am directed to return to the House, House Bill No. 2759.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment(s) No(s). 1, 4 and 5, withdrew Amendment(s) No(s). 5, adopted Amendment(s) No(s). 1 and 4, then repassed the bill on third and final consideration, as amended.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 31, 2000

MR.SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2659; repassed by the Senate, the Governor's objections to the contrary notwithstanding.

RUSSELL HUMPHREY, Acting Chief Clerk.

MESSAGE FROM THE SENATE

May 31, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2140; for the signature of the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

SIGNED

May 31, 2000

The Speaker signed the following: Senate Bill(s) No(s). 2140.

CONSENT CALENDAR

May 31, 2000

The following local bills have been placed on the Consent Calendar for **June 1, 2000**: House Bill(s) No(s). 3362.

ROLL CALL

The roll call was taken with the following results:

Present 97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Thursday, June 1, 2000.